Filed 10/22/2007 Page 1 of 8 Case 1:07-cv-06811-AKH Document 74

Case Name: Weeks Marine, Inc. v. Bridgestone Corporation

Defendant: Trelleborg Industrie S.A.

\* Delete if inappropriate.

Court Case No.: 07 CIV 6811

1)

## CERTIFICATE

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,

hat the request has been	09/19/2007	
- the (date)	TO TO DO DO I. I.	tuie 71 la Combaude Rue de Chantemerle,
- at (place, street, nu	imber) <u>SA TRELLEBORG Indu.</u>	strie, ZI la Combaude, Rue de Chantemerle,
63000	CLERMONT-FERRAND	
- in one of the follow	ving methods authorised by article 5-	
r va (-) in accept	edance with the provisions of sub-paragi	raph (a) of the first paragraph of article 5 of the Convention*.
[X] (a) in accor	dance with the providence of	ethed*:
[ ] (c) by del	livery to the addressee, who accepted it v	voluntarily.*
e documents referred to	in the request have been delivered to:	TVD AND director of Human Resources
- (identity and	description of person) <u>Mr. Andre B</u>	EYRAND, director of Human Resources
	to the addressee (family, business or other	er):
- relationship t	the addresses (small)	
conformity with the set the attached statement	cond paragraph of article 12 of the Conv *.  S: Summary of the Document to be Served, S District of New York, 3rd Amended Instruction	vention, the applicant is requested to pay or reimburse the expenses detains the applicant is requested to pay or reimburse the expenses detains the applicant is a Civil Action, Class Action Complaint, Individual Rules of the Honorable was for Filing an Electronic Case or Appeal, Procedures for Electronic Case Filing, which we have the Magistrate Judge Keyin Nathaniel Fox, Consent to Proceed Before
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MD 16984-6

Suzy BERTHERAT Guy BERTHERAT Associated Huissiers Successors of A. Bertherat, Esq. 43, avenue Julien - B.P. 276 63008 CLERMONT-FERRAND CEDEX 1 Telephone 04.73.93.30.82 Fax 04.73.35.44.31 CDC 40031 00001 000033305M 22 VAT N° INTRA. FR 21315067546 RC Clermont-Fd Nº 315067546 email: scp.bertherat.huissiers@wanadoo.fr

SECOND ORIGINAL

# SERVICE OF FOREIGN PROCESS

In the year two thousand seven and on SEPTEMBER Nineteenth at 10:00 a.m.

## At the request of

Diane K. Myers, APS INTERNATIONAL, LTD., APS International Plaza, 7800 Glenroy Road, MINNEAPOLIS, Minnesota 55439-3122, U.S.A.

Ī

Civil-Law Professional Partnership Suzy BERTHERAT and Guy BERTHERAT

[Signature]

Associated Huissiers Successors of André Bertherat, Esq. Residing in CLERMONT-FERRAND, 43, avenue Julien

Through one of them, the undersigned

#### **UPON**

TRELLEBORG INDUSTRIES SA - OIL & Marine Product Area - ZI de la Combaude - Rue de Chantemerle, 63050 CLERMONT-FERRAND CEDEX 2, FRANCE where I was and spoke to: as stated in the attached affidavit of service.

# Served and delivered together with this writ a COPY

Of a writ from the United States including

- A Summons to appear in a civil case
- A Class Action Complaint Jury trial demanded Individual Rule of the Honorable Alvain K. HELLERSTEIN - Southern District of New York
- 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal
- Procedures for Electronic Case Filing
- Procedures applicable to Cases Referred for Settlement to Magistrate Judge Kevin NATHANIEL
- Consent to Proceed before United States Magistrate Judge

In accordance with the following method: Article 5, § 1, letter b, The Hague Convention dated 11/15/1965

COST: 89.00 EUROS

**GUY BERTHERAT** 

[Huissiers' Stamp and signature]

S.C.P.
BERTHERAT Suzy
BERTHERAT Guy
Associated Huissiers
43, avenue Julien – B.P.
276
63008
CLERMONTFERRAND

Tel. 04.73.93.30.82
Fax 04.73.35.44.31
VAT N° FR 21315067546
CAISSE DES DEPOTS ET
CONSIGNATIONS: 40031
00001 000033305M 22
scp.bertherat.huissiers@wanadoo.fr
PAYMENT BY BANK CARD
(and by phone)

# AFFIDAVIT of SERVICE

Writ number:

MD16984 6

Office Reference:

MD16984

Date of service: September 19, 2007

Writ Addressee: S.A. TRELLEBORG INDUSTRIE

The writ was delivered by a sworn clerk, under the conditions stated below, and per the statements made to him We went to the address indicated as the address of the person being served: the main office address appears confirmed by the following elements: Company name

On site, we met:

Mr. BEYRAND André, Director of Human Resources

per his statements, who stated that he was authorized to receive the copy and who signed on my original.

The letter specified by Article 658 in the New Code of Civil Procedure, containing the same statements as the notice of visit and a copy of the writ of service, was sent on the first working day following the date of this writ.

This writ includes 4 pages, including the writ of service.

Final cost: 89.00 Euros

Certification by the Huissier of all statements related to service.

BERTHERAT SUZY

BERTHERAT GUY

[Huissier's signature and stamp]

c	
Final cost of writ	0.00
V.A.T. @ 19.60%	89.00
Fixed fees, art. 6, 7	89.00
Total w/Tax in Euros	583.80
Or in French Francs	

Case Name: Weeks Marine, Inc. v. Bridgestone Corporation Defendant: Trelleborg Industrie S.A. Court Case No.: 07 CIV 6811

#### **CERTIFICATE** ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention, L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

) that the document has		
que la demande a été ex - the (date)		
- le (date) 👤	10312007	
- at (place, street, i	mérol SA TRELLERSOR -	notuntia 22 la Cambarde
Ree de Oh	anternere 63000 Cl	ERMONT. FORRAND
- in one of the follo	owing methods authorised by article 5- nes suivantes prévues à l'article 5:	
X (a) in acc	cordance with the provisions of sub-paragraph (a) of t	the first paragraph of article 5 of the Convention*.
a) selo	n les formes légales (article 5, alinéa premier, lettre a).	
[ ] (b) in a	ccordance with the following particular method*: in la forme particulière suivante:	
• • • •	delivery to the addressee, who accepted it voluntarily.  remise simple	*
The documents referred to	in the request have been delivered to:	
75.7 .44. 3	lans la demande ont été remis à:	
- (identité et qu	ualité de la personne) M. Andre 1961	(RAND, ducteur des Renources
	ains	
- relationship - liens de nare	to the addressee (family, business or other): nté, de subordination o autres, avec le destinataire de l'o	acte:
- ners ac parc	ine, de buos and and an	
In conformity with the sec statement*.	ond paragraph of article 12 of the Convention, the ap	plicant is requested to pay or reimburse the expenses detailed in the attached
	2. alinéa 2. de ladite Convention, le requérant est prié de	payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.
LIST OF DOCUMENTS: Sun Southern District of New York Procedures Applicable to Case	nmary of the Document to be Served, Summons in a Civil Act	ion, Class Action Complaint, Individual Rules of the Honorable Alvin K. Hellerstein Appeal, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing, iel Fox, Consent to Proceed Before United States Magistrate Judge, Right to Proceed
Annexes		
Annexes Documents returned:		
Piéces renvoyées:		
ģ.		
		Fairà Clemont for sand le 2000
In appropriate cases, doct Le cas échéant, les docume	uments establishing the service: onts justificatifs de l'exécution:	Signature and/or stamp.
		Signature et/au cachet
* Delete if inappropriate.		2* (19)
Rayer les mentions inutiles.		

GPLICANT IS AUTHORIZED TO SERVE JUDICIAL PROCESS UNDER THE UNITED STATES FEDERAL RULES OF CIVIL PROCEDURE AND UNDER THE RULES OF CIVIL PROCEDURE OF THE STATE OF: New York

#### REQUEST

#### FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

#### DEMANDEAUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matierè civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identity and address of the applicant Identité et adresse du requérant

Diane K. Myers APS INTERNATIONAL, LTD APS International Plaza 7800 Glenroy Road Minneapolis, Minnesota 55439-3122 U.S.A.

Tel. 952.831.7776

Fax: 952.831.8150

Email: DMyers@CivilActionGroup.com

Address of receiving authority Adresse de l'autorité destinataire

MINISTERE DE LA JUSTICE (Bureau de l'Entraide judiciare inti) 13, place Vendôme Paris Cedex 01

75042 France REÇU LE 0 5 SEP. 2007

The undersigned applicant has the honour to transmit -- in duplicate -- the documents listed below and, in conformity with article 5 of the abovementioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)

Le requérant soussigné a l'honneur de faire parvenir - en double exemplaire - a l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

Trelleborg Industrie S.A.

Zl La Combaude, Rue de chantemerle, FR 63050, Clermont-Ferrand Cedex 02, France

in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\* selon les formes légales (article 5, alinéa premier, lettre a).

in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*: (b)

selon la forme particulière suivante (article 5, alinéa premier, lettre b): En remettant les documents à un huissier, qui se chargera de les signifier à un cadre administratif, un agent gérant ou tout autre agent autorisé à accepter des documents légaux pour le compte du Défendeur. Le Défendeur ne doit pas avoir l'option de refuser la signification. Un chèque d'un montant de 89.00 euro pour couvrir les honoraires de l'huissier est inclus.

by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*.

le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents -- and of the annexes\* -- with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte — et de ses annexes TONAL station figurant au verso.

APS INTERNATIONAL

List of documents \*(See complete list on reverse) Enumération des pièces

Summons in a Civil Action Class Action Complaint

Individual Rules of the Honorable Hellerstein Southern District of New York

3rd Amended Instructions for Filing an Electronic Case or Appeal

Procedures for Electronic Case Filing

Guidelines for Electronic Case Filing

Procedures Applicable to Cases Referred for Settlement to Magistrate Judge Kevin Nathaniel Fox

-Consent to Proceed Before United States Magistrate

\* Delete if inappropriate.

. Rayer les mentions inutiles

APS International Plaza 7800 Glenroy Road

Minneapolis, MN 55439

Signature and/or stamp. Signature et/ou cachet.

(Formerly OBD-116 which was formerly LAA-116. both of which may still be used)

USM-94

(Est. 11/22/77)

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Filed 10/22/2007

Case 1:07-cv-06811-AKH Suzy BERTHERAT Guy BERTHERAT

Huissiers de Justice Associés Successeurs de Me A. Bertherat 43, avenue Julien - B.P. 276 63008 CLERMONT-FERRAND CEDEX 1 teléphone 04.73.93.30.82 télécopie 04.73.35.44.31 CDC 40031 00001 0000333305 M 22 Nº TVA INTRA, FR 21315067546 RC Clermont-Fd nº 315067546 e-mail : scp.bertherat.huissiers@wanadoo.fr

#### SECOND ORIGINAL

#### SIGNIFICATION D'UN ACTE EN PROVENANCE DE L'ETRANGER

L'an deux mil sept et le

Dix Neuf SEPTEMBRE

A la requête de

Diane K.MYERS APS INTERNATIONAL, LTD, APS International Plaza 7800 Glenroy Road, MINNEAPOLIS, Minnesota 55439-3122 U.S.A.

J'ai

Société Civile Professionnelle Suzy BERTHERAT et Guy BERTHERAT Huissiers de Justice Associés

Successeurs de Me André Bertherat

Résidant à CLERMONT-FERRAND, 43, avenue Julien Par l'un d'eux soussigné

TRELLEBORG INDUSTRIE SA - OIL & Marine Product Area - ZI de la Combaude - Rue de Chantemerle, 63050 CLERMONT-FERRAND CEDEX 2, FRANCE Où étant et parlant à : comme il est dit au procès-verbal de signification.

#### Signifie et laisse en tête des présentes COPIE

D'un acte en provenance des Etats-Unis comprenant

- Une citation à comparaitre dans une action civile
- Une plainte en recours collectif-demande de procés devant un jury
- Règles Individuelles de l'honorable Alvain K.HELLERSTEIN-District Sud de l'Etat de New
- 3 é instructions amandées pour le dépôt électronique du dossier d'une affaire ou d'un appel
- Procédures pour le dépôt électronique du dossier d'une affaire
- Directives pour le dépôt électronique du dossier d'une affaire
- Procédures applicables aux affaires renvoyées en vue d'un règlement au juge magistrat Kevin NATHANIEL FOX
- Consentement à poursuivre devant un juge magistrat des ETATS-UNIS

Selon la forme suivante : article 5, alinéa premier, lettre b de la Convention de la Haye du 15/11/1965

**COUT: 89.00 EUROS** 



# S.C.P. BERTHERAT SUZY BERTHERAT GUY Huissiers de justice associés

43, Avenue Julien, B.P.
276,
63008
CLERMONTFERRAND

Tél 04.73.93.30.82
Fax 04.73.35.44.31
N° TVA FR 21315067546
CAISSE DES DEPOTS ET
CONSIGNATIONS:40031
00001 0000333305M 22
scp.bertherat.huissiers@wanad
oo.fr
PAIEMENTS PAR C.B.(et par
téléphone)

#### PROCES VERBAL de SIGNIFICATION

Numéro de l'acte: MD16984 6

Référence étude : MD16984

Date de signification : 19 Septembre 2007

#### Destinataire de l'acte : S.A. TRELLEBORG INDUSTRIE

Cet acte a été remis par clerc assermenté dans les conditions indiquées ci aprés, suivant les déclarations qui lui ont été faites

Nous nous sommes rendus à l'adresse indiquée comme étant celle du signifié; la réalité du siège (établissement) parait concrétisée par les élements suivants: Enseigne Nous avons rencontré sur place:

#### MR BEYRAND André, D.R.H.

ainsi déclaré, habilité à recevoir la copie et qui a visé ma minute.

La lettre prévue par l'article 658 du Nouveau Code de Procédure Civile contenant les memes mentions que l'avis de passage et copie de l'acte de signification,a été adréssée le premier jour ouvrable suivant la date des présentes.



Le présent acte comporte 4 feuille(s) y compris annexe(s) de signification.

Coût définitif: 89.00 Euros

Visa par l'Huissier de Justice, conformément à la loi des mentions relatives à la signification.

**BERTHERAT SUZY** 

Coût définitif de l'acte
T.V.A. 19.60 % 0.00
Droit fixe art.6.7 89.00
Total T.T.C. Euros 89.00
Soit en Frs 583.80